| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/809,143 | 03/25/2004 | Christopher G. Cifra | 5150-82400 | 7400 |

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| EXAMINER |
|---|
| GUTIERREZ, ANTHONY |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2857 | |

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *03 October 2005*.

2a) ☒ This action is **FINAL.**      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All  b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.      Claims 1-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Hoffberg

et al. (United States Patent Application Publication:  US 2002/0151992 A1).

As to claims 1-3 and 19-21, Hoffberg et al. discloses a memory medium

comprising program instructions for specifying a signal analysis function, wherein the

memory medium is in a computer system comprising a display, wherein the program

instructions are executable to implement: receiving user input specifying a first

operation, wherein the operation implements at least a portion of a signal analysis

function (paragraphs 0888, 0890, and 0247); programmatically analyzing prior

operations input by the user to determine an input source for the first operation with

respective signal and data types, wherein the input source provides a first input signal

(paragraph 0880); performing the first operation on the first input signal received from

the input source, wherein said performing produces an output signal displaying the

output signal on the display for each of a plurality of first operations input by the user,

wherein the respective output signals comprise the first input signal (paragraphs 0881

and 0882).

As to claims 4, 7, and 8, Hoffberg et al. discloses querying a database to determine the prior operation that provides an output signal of the appropriate signal type (paragraphs 0296 and 0821), wherein the database comprises information indicating respective output signal types of the prior operations, analyzing input/output (I/O) dependencies among the prior operations and the first operation (paragraph 0819), wherein the (I/O) dependencies indicate a proximity ordering of the prior operations with respect to the first operation; and querying the database based on the proximity ordering of the prior operations, beginning with an initial prior operation that is closest to the first operation with respect to (I/O) dependencies (paragraph 0891 with respect to the chronological database).

As to claims 9 and 10, Hoffberg et al. discloses, iteratively querying the database for each of a plurality of input signals (paragraph 0883 and 0901, where the reference discloses that the programmable control may further comprise the chronological database).

As to claims 5 and 6, Hoffberg et al. discloses querying a first function block to determine the one or more appropriate signal types for the first operation, wherein the first operation requires a plurality of input signals, querying the first function block to determine a number of inputs required for the first operation; and programmatically analyzing prior operations input by the user to determine a plurality of input sources for the first operation corresponding to the number of input signals required for the first operation (paragraphs 1088 and 1089, with respect to the fractal compression method of Barnsley and Sloan as it applies to automatic image processing in the present invention, see also paragraphs 1095 and 1096).

As to claims 11 and 12, Hoffberg et al., discloses that if no prior operations

provide an output signal of an appropriate signal type, displaying one or more

additional operations that provide an output signal of the appropriate signal type; and

receiving additional user input selecting an additional operation from the additional

operations (paragraph 0823).

As to claims 13-18, Hoffberg et al. receiving user input modifying a configuration

of a first function block, thereby changing input signal specifications for a

corresponding operation, wherein original input signal specifications for the

corresponding operation specify a first input signal type for the corresponding

operation, and wherein the changed input signal specifications specify a second,

different, input signal type for the corresponding operation including the use of a

second output signal type (paragraph 0237), including displaying a diagram that

visually represents I/O relationships between function blocks,  including automatically

updating the diagram in accordance with the changed 1/0 relationships between the

function blocks (paragraph 0245).


### Response to Arguments

3.      Applicant's arguments filed 10/3/05 have been fully considered but they are not

persuasive.

The Applicant has argued that the reference of rejection to Hoffberg fails to

disclose programmatically analyze prior operations input by a user, emphasizing

specifically, for determining an input source for the first operation.

The Examiner disagrees.

The first operation relates to a signal analysis function. The reference in the cited sections regarding claim 1, discloses the use of adaptive prediction based on the history of use regarding a user with respect to an image type. The cited sections also disclose that a signal is produced that corresponds to a relation between at least one of a plurality of images of compressed data at least one of the image types of characterization data (see also paragraph 0886). This signal is what is being analyzed in the first operation. The Examiner considers the image type to be an input source for this operation.

The Applicant also argues that iterative analysis and display is not done for each of a plurality of first operations input by the user.

The Examiner disagrees.

The cited sections regarding this feature disclose adaptively determining viewer preference based on user input received by the controller and performing an action based on user input and information content received from a signal source and provided on a display using feedback data on the display device. Since the controller adaptively performs using a correlation index that compares a user preference to characterized content of program material. The Examiner considers this to imply a plurality of first operations. This is further supported in paragraph 0883 which addresses a plurality of stored profiles used in a comparison index with characterized user input.

Lastly, the Applicant has argued that paragraph 0296 is not germane to the feature of claim 3, further stating that the pattern recognition system allows a description of an event, but that Hoffberg does not describe that the disclosed pattern

recognition system is capable of determining the prior operation that provides an output signal of the appropriate signal type for input to a first operation.

The Examiner addressed a chronological database in the cited sections relating to this feature. The chronological database is accessed on the basis of programming data stored in the memory addressed earlier in the paragraph. This memory is related to the data input or the input signal, which are both associated with an event, from a plurality of possible events in occurrence in an environment of an adaptive programmable apparatus. The Examiner considers the pattern recognition system addressed earlier to apply to these events. The paragraph that addresses the chronological database further discloses a feedback device for adaptively providing information relating to the input signal and a current status of the apparatus based on data input involving a history of use and a control output for controlling the response of the apparatus relating to the detection of the input signal or the data in accordance with the stored programming. The Examiner considers this to properly address the limitation in question and believes that this is further supported in paragraph 0890, which discloses that the program instructions stored in memory are for performing an action on the occurrence of an event, monitoring an environment to determine the occurrence of an event, and altering the image type based on the output of the detector and the stored data so that the display means displays an image type which corresponds to the detected user characteristics.

### Conclusion

4.    **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed

until after the end of the THREE-MONTH shortened statutory period, then the shortened

statutory period will expire on the date the advisory action is mailed, and any extension

fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.


5.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anthony Gutierrez whose telephone number is (571)

272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the

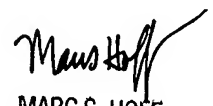organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).


Anthony Gutierrez

12/7/05

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